Equal Employment Opportunity
Fort Bragg, North Carolina
Knowledge
Equality
Readiness
AIRBORNE

NO FEAR ACT

INTRODUCTION

I. Identify the main reasons why the No FEAR Act was passed

II. Recognize examples of prohibited personnel practices

III. Identify the rights that federal government employees have

IV. Identify the remedies available to federal employees who have been discriminated or retaliated against

V. Recognize the essential elements for creating an office environment that is free from discrimination

AGENCY REQUIREMENTS

1. Recognize examples of the types of topics that must be included to meet the training requirements under the No FEAR Act
2. Identify the notification requirements under the No FEAR Act
3. Identify the reimbursement requirements under the No FEAR Act
4. Identify examples of the types of information that must be included in the annual report to meet the reporting requirements of the No FEAR Act
5. Identify the timing requirement for filing the annual report

WHY PASSED

- Noncompliance
- Accountability
- Protection
- Awards

RIGHTS

- Enforces rights education for federal employees
- Protects federal employees from discrimination on the grounds of race, color, religion, sex, national origin, age (40 and over), disability, marital status, or political affiliation
- Protects federal employees from reprisal in response to whistleblowing
- Enforces federal employees' right to report incidents of reprisal as a result of reporting discrimination

PROHIBITED PRACTICES

- **Discriminating against an employee or applicant on the basis of a protected characteristic**
- **Improperly influencing employment recommendations by basing them on factors other than personal knowledge or records of the applicant's job-related abilities**
- **Coercing the political activity of anyone or discriminating against employees or applicants because they hold a particular political viewpoint.**
- **Engaging in nepotism**
- **Engaging in reprisal for whistleblowing**
- **Retaliating against employees or applicants who exercise appeals, complaints, or grievance rights. Those who have given evidence on behalf of, or assisted others in exercising their rights, are also protected from reprisal**

PROHIBITED PRACTICES Con't

- **Improperly influencing an applicant to withdraw from competition for a position**
- **Improperly exercising influence to benefit or harm a particular employee**
- **Violating a veterans' preference requirement**
- **Intentionally obstructing someone from competing for employment**
- **Discriminating against an employee or applicant on the basis of conduct that is not job related**
- **Violating the merit system principles established to create honest, fair, and equal opportunity work environments**

REMEDIES AVAILABLE

- Right to File a Complaint
- Reimbursing attorney's fees
- Placing victims in the position they would have occupied if the discrimination hadn't occurred
- Paying compensatory damages
- Reimbursing any benefits that were lost
- Preventing further discrimination by stopping the specific discriminatory practices involved

6 ESSENTIAL ELEMENTS

1) demonstrated commitment from agency
2) integration of EEO policies into the agency's strategic mission
3) proactive prevention of unlawful discrimination
4) efficient implementation of policies
5) management and program accountability
6) responsiveness and legal compliance

NOTIFICATION REQUIREMENTS

- If you have worked for a federal agency, are currently employed by a federal agency, or are about to begin working for a federal agency, the law requires that you be informed about your rights and protections under the No FEAR Act.

NOTIFICATION REQUIREMENTS con't

- Each federal agency is required to post notification of employees' rights on its individual web site. Most federal agencies also provide links to further reading about rights, remedies, and processes concerning the No FEAR Act on their web sites.

TRAINING REQUIREMENTS

- Who may file a charge of discrimination
- How a charge of discrimination is filed
- What types of information must be provided to file a charge
- The time limit for filing a charge of discrimination

REIMBURSEMENT REQUIREMENTS

- **When a federal agency is found liable of discrimination or retaliation under the No FEAR Act, it is held financially accountable. In cases where complaints are resolved, and it is decided that the victims of discrimination or retaliation deserve financial compensation, this money is paid out by the Judgment Fund housed in the Financial Management Service, U.S. Department of the Treasury.**

NLT 15 days after the Judgment Fund has paid compensation the Financial Management Service (FMS) will send a notice to the agency requesting reimbursement for the payment.

The No FEAR Act requires that agencies reimburse the Judgment Fund within a reasonable amount of time.

Agencies must either reimburse the Judgment Fund in full, or approach the FMS to discuss a payment plan within 45 days of receiving the reimbursement notice.

TIMING REQUIREMENTS

Section 203 of the No FEAR Act requires that every federal government agency submit a detailed annual report that relates to equal employment opportunity complaints filed with the agency. The annual report is presented to Congress, the Senate, the House of Representatives, the attorney general, and the Equal Employment Opportunity Commission (EEOC) no later than **180 days** after the end of each fiscal year.

ANNUAL REPORT

- The total number of discrimination and retaliation complaints filed
- Specific details about each complaint filed
- Details of the financial compensations that were made
- An account of the disciplinary actions that were taken
- A comprehensive analysis of all the information submitted in the report

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? QUESTIONS ?